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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,837	03/03/2004	Toshimichi Kishimoto	501.43611X00	2503
24956 7590 03/15/2007 MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			EXAMINER ROSE, HELENE ROBERTA	
			ART UNIT	PAPER NUMBER
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SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/15/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/790,837	Applicant(s) KISHIMOTO ET AL.	
	Examiner Helene Rose	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. In response to communication entered on 2/13/2007, Claims 1, 3, 5, 7, 9, and 11 have been amended. Claims 13 and 14 were added. No claims were cancelled. Therefore, Claims 1-14 are pending.
2. In response to communication entered on 7/18/2006, Claims 1-12 were amended. No claims were added nor cancelled.
3. With respect to claims 1-12, which were rejected under 35 U.S.C. 103(a) as being obvious over Kurose et al (US Publication No. 2001/0056459, Publication Date: December 27, 2001) in view of Nakamura et al. (US Publication No. 2003/0061331, Filing Date: Feb. 20, 2002), in which applicant's request of the finality of the rejection of the last Office Action, dated 10/13/2006 is persuasive and, therefore the finality of that action is withdrawn.
4. Applicant arguments with respect to claims 1-12, is now moot in view of the new grounds of rejection. It is now noted that the claims as presented failed to meet the requirement of 35 U.S.C 112, second paragraph, in that the scope of the method claims lacks definite processible steps. This issue is now treated under 35 U.S.C 112, second paragraph. Applicant is hereby offered an opportunity for response via a non-final rejection.

Priority

5. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. (JP) 2003-388702, filed on 11/19/2003.

Claim Rejections – 35 U.S.C. – 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1,3,5,7,9, and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1,3,5,7,9, and 11 recited the limitation “at least sending a third request to said storage device requesting constructional information”, wherein a “third request” is not defined within applicants specification originally filed on 3/3/2004. Claims 2,4,6,8,10, and 12 are also rejected by virtue of their dependency to claims 1,3,5,7,9, and 11. This rejection still stands, wherein the originally filed specification filed on 03/03/2004, does not recite “a third request”.

8. Claims 1, 5, and 9 (and their dependent claims, where applicable) are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The following claims are not directed towards a method claim, wherein the method steps are not defined. Furthermore, the claims presently presented seem to be geared towards an apparatus per se than a method claim.

Claim Rejections – 35 U.S.C 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being obvious over Kurose et al (US Publication No. 2001/0056459, Publication Date: December 27, 2001, hereinafter Kurose) in view of Enoki et al. (US Publication No. 5,873,085, Date of Patent: February 16, 1999, hereinafter Enoki).

Claims 1, 5, 7, and 9:

Regarding claims 1,5,7, and 9, Kurose teaches a processing method for use in the operation (see abstract, wherein apparatus processes received network service request and provides a service) of a storage managing server that is connected to a storage device (page 14, column [0152], wherein policy servers can be written as programs stored in computer-readable recording mediums, wherein the operations can be realized by the computers executing the programs, wherein the computer readable recording mediums may be a magnetic storage device, Kurose) and a storage managing terminal (page 14, column [0152], wherein the programs can be stored in a storage device belonging to a first computer transferred to a second computer connected through a network to the first computer, wherein each program can be stored in a hard disk drive or the like belonging to a computer, and wherein a terminal is interpreted to be a device that allows you to send commands to a computer somewhere else, Kurose), wherein the

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storage managing server receives a first request (Figure 1, all features, and page 3, paragraph [0044], wherein each service request-compatible apparatus, i.e., diagram 20, is equivalent to receiving the first request has a function of a receiving a network service request and providing a network, wherein the storage managing server is equivalent to be service request compatible apparatus, and the storage managing terminal is interpreted to be service assignment apparatus, diagram 10, Kurose)

Kurose discloses storage-managing server, wherein first processing includes the downloading of a manger program (page 14, paragraph [0152], wherein each program can be stored in a hard disk or the like belonging to a computer, and loaded into a main memory of the computer when the program is executed by the computer, wherein downloading is equivalent to loading, Kurose).

However; Kurose is silent with respect to a storage-managing server **requesting** downloading of a manager program.

On the other hand Enoki teaches wherein the storage-managing server receives a first request, requesting download of a manager program (column 14, lines 24-28, wherein the virtual file management, which operates in the server shown in diagram 101a and the receiving section receives a file access request from the client computer 109a, wherein this is equivalent “a storage-managing server receives a first request”, wherein the request analyzing section checks the virtual wherein instructs the transmitting section to transmit the modified file access request to the server computer, then transmitting section then transmits the file access request to the server computer, wherein the request processing section then transmits the file access request to the processing section in the server computer that received the modified file access request by

using the file system and then transmits the response data to the client computer, wherein the file access request from the client computer is first modified by the virtual file management by using the management table and then transferred to the destination, which is interpreted to be equivalent to “requesting download of a manager program”, and equivalent to “downloading”, wherein “downloading” is defined to be the process of moving data from location to another, **Enoki**).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to incorporate a configuration means disclosed by Enoki within Kurose system to improve the performance of a systems workload.

issued from said storage managing terminal, **said manager program to be used by said storage managing terminal** for executing processing **on** the storage managing server (Figure 1, all features and page 3, column [0044], wherein each service request-compatible apparatus, i.e. diagram 20, is interpreted to be receiving the first request has a function of receiving a network service request and providing a network service request, wherein the storage managing server is interpreted to be service request compatible apparatus, i.e. diagram 20 and the storage managing terminal is interpreted to service assignment apparatus, i.e. diagram 10, Kurose), and a second request for executing processing including **conducting** communication of constructional information **which relates to a plurality of volumes in** said storage device between said storage device and the storage managing server (Figure 1, all features, page 3, column [0044], wherein each service request incompatible apparatus, i.e. diagram 30, is interpreted to be receiving the second request, has a function receiving a service setting request and performing an operation of setting as service in the service request incompatible apparatus, and providing the service which

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is set in the service request incompatible apparatus, i.e. diagram 30 and column [0045], wherein the target apparatus determination has a function of determining based on the information on the service provision state which is collected by the network information collection means, i.e.

diagram 11, one of the at least one service request incompatible apparatus, i.e. diagram 300, in which an operation of setting a service should be performed, wherein the service mapping means has a function of linking the network information with the service setting operation, Kurose) **said constructional information being used for managing said storage device** (column 14, lines 49-53, wherein the contents of the management table managed by the virtual file management in the server computer 101a, wherein the virtual identifiers V_001 and V_002 are managed as unique identifiers without duplications in the management table, wherein this is interpreted to be “constructional information being used for managing said storage device, Enoki); and

storage managing server starts processing, **which includes at least sending a third request to said storage device requesting constructional information** (column 17, lines 5-23, wherein the a new file creation request is inputted into the virtual management and the file creation sends a new file creation request to the server computer, which is interpreted to be the third request, wherein the selected server computer creates a new a new real file identifier in response to the file creation request, wherein creates a new real file identifier, is interpreted to be the “constructional information”, and sends the response to the server computer, which is interpreted to be “sending a third request to said storage device requesting constructional information”, **Enoki**), with respect to said second request before the storage managing server transmits a response to said first request to said storage managing terminal (page 3, column [0048], wherein the service request incompatible apparatus, i.e. diagram 30 is interpreted to be

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the receiving second request, provides a service which is identical to or corresponds to a service provided by the service request-compatible apparatus, i.e. diagram 20, which is interpreted to be receiving first request, even when a service request-incompatible apparatus, i.e. diagram 30, cannot inherently provide the service due to incapability of processing a network-service request for the service, and that is, it is possible to assign a characteristic service of the service-request-compatible apparatuses, i.e. 20 the service-request-incompatible apparatus 30, and therefore the service-request-incompatible apparatus i.e. diagram 30 can provide the service, Kurose);

wherein said storage device includes said volumes each of which stores data sent from host computers via a network (column 17, lines 47-56, wherein the server selection queries the server computers and connected to the network about the space available in their file systems, and selects the server computer having the larger space and supplies the name of the selected server computer to the file creation section, wherein the new file creation request is input from a client to the file management, wherein this is interpreted to be the “volumes each of which store data sent from the host via a network”, **Enoki**).

Claims 2, 6, 8, and 10:

Regarding claims 2,6,8, and 10, the combination of Kurose in view of Enoki teaches wherein said first request **includes** a login request from said storage managing terminal to the storage managing server (page 2, column [0015], wherein protocol proposed in the RSVP admission policy work group, i.e., RAP-WG, Kurose in the IETF, and used for performing admission control operations which determines permission for or rejection of a reservation, where the admission control is performed during a bandwidth reservation process, for example, in accordance with RSVP, Kurose).

Claims 3 and 11:

Regarding claims 3 and 11, the combination of Kurose in view of Enoki teaches storage managing system constructed by a storage-managing server connected to a storage device, and a storage-managing terminal connected to the storage-managing server;

wherein said storage managing terminal performs transmission processing (page 14, column [0150], wherein resv-message transmission is performed, Kurose) for sending a first request, **requesting download of a manager program** to said storage managing server (page 6, column [0080], wherein the COPS, i.e. common open policy server sends the request data f to the policy server and page 11, column [0126], wherein the COPS, i.e. common open policy server, transmission unit sends permission result information g to the RSVP compatible router, Kurose), **said manager program to be used by said storage managing terminal to execute processing on said storage managing server**, and a second request for executing processing (page 14, column [0150], wherein resv-message unit, i.e. diagram 74, sends the resv message i as a resv message j to the server, i.e. diagram 42 in accordance with the protocol, Kurose), including the communication of constructional information **which relates to a plurality of volumes in** said storage device by said storage managing server between said storage device and said storage managing server (REFER to claims 1,5,7 and 9, wherein this limitation has been addressed, Kurose), **said constructional information being used for managing said storage device (Refer to claim 1, wherein this limitation has already been addressed, Enoki);**

wherein said storage managing server performs first processing executed in response to the first request from said storage managing terminal, and second processing which is executed in response to the second request from said storage managing terminal (REFER to claims 1,5,7

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and 9, wherein this limitation has been addressed, Kurose), and includes the communication of the constructional information of said storage device between said storage device and the storage managing server (REFER to claims 1,5,7 and 9, wherein this limitation has been addressed, Kurose); and

wherein said second processing with respect to the second request from said storage managing terminal, **including at least sending a third request to said storage device requesting constructional information (Refer to claim 1, wherein this limitation has already been addressed, Enoki)),** is started before said storage managing server **sends a response to said first request** to said storage managing terminal (REFER to claims 1,5,7 and 9, wherein this limitation has been addressed, Kurose), **and wherein said storage device includes said volumes each of which data sent from host computers via a network (Refer to claim 1, wherein this limitation has already been addressed, Enoki).**

Claims 4 and 12:

Regarding claims 4 and 12, the combination of Kurose in view of Enoki teaches wherein said first processing includes the downloading of **said manager program** for operating the constructional information of said storage device (page 14, column [0152], wherein each program can be stored in a hard disk drive or the like belonging to a computer, and loaded into a main memory of the computer when the program is executed by the computer, wherein downloading is interpreted to be loading, Kurose).

Claim 13:

Regarding Claim 13, the combination of Kurose in view of Enoki teaches a processing method executed by a storage managing server in a storage managing system, tile storage managing system including:

plural volumes each being where data sent from a host computer via a network is stored (Refer to claims 1,5,7 and 9, wherein this limitation is substantially the same/or similar, and therefore rejected under the same grounds);

a storage managing device having constructional information concerning the volumes (Refer to claims 1,5,7 and 9, wherein this limitation is substantially the same/or similar, and therefore rejected under the same grounds);

a storage managing terminal(Refer to claims 1,5,7 and 9, wherein this limitation is substantially the same/or similar, and therefore rejected under the same grounds) ; and

the storage managing server connected to the storage device and the storage managing terminal (Refer to claims 1,5,7 and 9, wherein this limitation is substantially the same/or similar, and therefore rejected under the same grounds), the method comprising the steps of:

a first step receiving, from the storage managing terminal, a first request for downloading a manager program used by the storage managing terminal to the storage managing terminal (Refer to claims 1,5,7 and 9, wherein this limitation is substantially the same/or similar, and therefore rejected under the same grounds);

a second step of receiving, from the storage managing terminal, a second request for transmitting, to the storage managing terminal, the constructional information required for processing the storage managing terminal performs regarding the constructional information

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(Refer to claims 1,5,7 and 9, wherein this limitation is substantially the same/or similar, and therefore rejected under the same grounds);

a third step of downloading the manager program to the storage managing terminal(Refer to claims 1,5,7 and 9, wherein this limitation is substantially the same/or similar, and therefore rejected under the same grounds);

a fourth step of acquiring, from the storage device, the constructional information relevant to the second request while the manager program is being downloaded to the storage managing terminal (column 14, lines 23-26, wherein request analyzing section can directly respond to the client computer and then instructs the transmitting section to transmit the file access request to the server, Enoki); and

a fifth step of transmitting the acquired constructional information to the storage managing terminal (columns 15 and 16, line 66 and lines 1-4, wherein the management table processing section process the request by using the management table and instructs the transmitting section to transmit the proceed result to the client computer, which is interpreted to be transmitting the acquired constructional information” ; and column 6, lines 10-21, wherein management table is described, wherein the content management table is managed by the virtual file management in the server computer, which is interpret to be the “storage managing terminal”, Enoki).

Claim 14:

Claim 14 is rejected under the same grounds as claim13, wherein the claim limitations are substantially the same/or similar.

Prior art of Record

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Kurose et al (US Publication No. 2001/0056459)
2. Tsuruta et al (US Patent No. 6,378,050)
3. Enoki et al. (5,873,085)

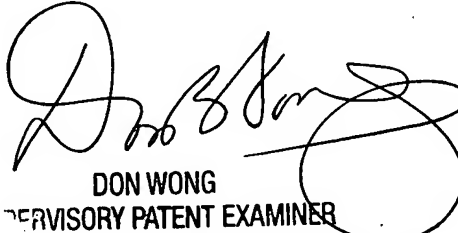
Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Rose whose telephone number is (571) 272-0749. The examiner can normally be reached on 8:00am - 4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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March 6, 2007


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